

DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS 701 S. COURTHOUSE ROAD, SUITE 1001 ARLINGTON, VA 22204-2490

> Docket No. 7918-21 Ref: Signature Date



This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 19 May 2022. The names and votes of the members of the panel will be furnished upon request. Your allegations of injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

The Board carefully reviewed your request for promotion to the grade of Colonel/O6. The Board also considered your full explanation of your assertion that the Secretary of Defense for Manpower was not fair in indicating "let a sleeping dog lie." Additionally, the Board noted the favorable endorsement you provided from your former commander who opined that you were treated unfairly by a Civil Service employee who allegedly altered your fitness report scores in a way that negatively affected your promotion to Colonel. The Board further took into consideration your years of honorable service and devotion to duty and sacrifice to this Nation during a pivotal time in Marine Corps history. The Board noted your admirable service during Vietnam and commends your efforts in support of action against the enemy.

However, with regards to your assertions, the Board noted the letter from Headquarters U.S. Marine Corps (OLAC-5P) dispelling your claim that your records were tampered with. The Board concluded there was insufficient evidence of an error or injustice. Moreover, the Board is bound by the limitations of authority set forth in the enclosed Under Secretary of Defense for Personnel and Readiness (USD (P&R)) memorandum dated 10 February 2015 in that it does not have the authority to appoint military officers to a certain grade when the officer has not been appointed to that grade by the President or the Secretary of Defense. Accordingly, your request is denied.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.



6/15/2022

Enclosures:

Headquarters U.S. Marine Corps (OLAC-5P) 8 Oct 14 USD (P&R) Memo dated 10 Feb 15